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BRIARCLIFF MANOR, NY 10510				
EXAMINER				
SHEDRICK, CHARLES TERRELL				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
12/08/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/566,513

**Applicant(s)**

NANDAGOPALAN, SAI SHANKAR

**Examiner**

CHARLES SHEDRICK

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-24** are rejected under 35 U.S.C. 102(e) as being anticipated by Lindskog et al. US

Patent Pub. No.: 2005/0018638, hereinafter, "Lindskog"

Consider claims **1, 23 and 24**, Lindskog teaches a method for providing bandwidth fairness in wireless networks, comprising: receiving at least one stream of packets on an access point for at least one wireless station(**i.e., transmitting variable length packets**) (**e.g., see at least 0015**); setting a more fragment bit of the at least one stream of packets when there are successive packets in the at least one stream of packets(**e.g., see at least paragraphs 0016, 0021-0022 and 0051-0053 and see figure 1a and 1b, 7 and 8**); and transmitting the successive packets of the set at least one stream of packets from the access point to the at least one wireless station without back-off (**e.g., see at least paragraphs 0016, 0021-0022 and 0051-0053 and see figure 1a and 1b, 7 and 8**).

Consider **claim 2 and as applied to claim 1**, Lindskog teaches wherein the step of

setting the more fragment bit, comprises setting the more fragment bit in a MAC header accompanying the set at least one stream of packets to a value of 1(e.g., see at least paragraphs 0016, 0021-0022 and 0051-0053 and see figure 1a - 8).

Consider **claim 3 and as applied to claim 1**, Lindskog teaches wherein the at least one stream of packets comprises a plurality of packets (e.g., see at least paragraphs 0016 0021-0022 and 0051-0053 and see figure 1a - 8).

Consider **claim 4 and as applied to claim 1**, Lindskog teaches wherein the more fragment bit is not set in a last of at least one stream of packets to be transmitted(e.g., see at least paragraph 0016 ).

Consider **claims 5, 11 and 17 and as applied to claims 1, 23 and 24**, Lindskog teaches for providing bandwidth and airtime fairness in wireless networks, comprising: receiving a packet on the access point for the at least one wireless station calculating an airtime requirement for transmitting the packet to the at least one wireless station(e.g., paragraphs 0015 and 0016); setting a time counter on the access point based on the airtime requirement(i.e., **predetermined time interval** ) (e.g., see at least paragraphs 0015-0016 and figure 6); and determining whether the packet can be transmitted before the time counter expires(e.g., see at least paragraphs 0015-0016 and figure 6).

Consider **claims 6 and 16 and as applied to claims 5 and 11**, Lindskog teaches the claimed invention further comprising transmitting the packet to the access point (e.g., see at least 0015-0016 and 0026).

Consider **claims 7, 13, and 19 and as applied to claim 5, 11 and 17**, Lindskog teaches the claimed invention splitting the packet into a set of fragments if the packet cannot be

transmitted before the time counter expires(**i.e., the packet is fragmented to accommodate timing )(e.g., see abstract and at least paragraph 0020).**

Consider **claim 8 and as applied to claim 7**, Linskog teaches the claimed invention transmitting the set of fragments until the time counter expires (**e.g., see abstract and at least paragraph 0020).**

Consider **claims 9,14 and 20 as applied to claims 7, 13 and 19** , Linskog teaches wherein the splitting step comprises splitting the packet into equal sub-packets to yield a set of fragments (**e.g., see at least paragraph 0039).**

Consider **claims 10,15 and 21 and as applied to claims 5 and 1 and 17**, Linskog teaches wherein the airtime requirement is calculated based on a size and a transmission rate of the packet (**i.e., the number of packets and the size is directly related to the timing is which related to the transmission rate)(e.g., see at least paragraphs 0051 -0056).**..

Consider **claims 12 and 18 and as applied to claims 11 and 17** , Linskog teaches further comprising means for communicating the packet if the packet can be transmitted to the at least one wireless station before the time counter expires(**e.g., see at least 0015-0016 and 0051-0056).**

Consider **claim 22 and as applied to claim 17**, Linskog teaches wherein the program product is implemented on the access point that is implemented within a wireless local area network (**e.g., see at least paragraph 0026).**

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHARLES SHEDRICK** whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles Shedrick/  
Examiner, Art Unit 2617

/Lester Kincaid/  
Supervisory Patent Examiner, Art Unit 2617